

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

MEREDITH CHADWICK RAY and  
PHILLIP RAY,

Plaintiffs,

v.

FORD MOTOR COMPANY, et al.,

Defendants.

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CASE NO. 3:07-cv-175-WHA

**FORD MOTOR COMPANY'S INITIAL DISCLOSURE STATMENT**

Comes Now, Defendant, Ford Motor Company ("Ford") and makes this its Initial Disclosure pursuant to Federal Rule of Civil Procedure 26(a).

In the spirit of cooperation and to reduce expense and delay, Ford provides substantial disclosure at this time. Ford anticipates that it may be able to identify additional witnesses or documents, if any, after Plaintiffs have specified the defect allegations, through additional pleadings, if any, through disclosure made, and through discovery, particular expert discovery, in accordance with the Rules of Civil Procedure.

The following disclosures are made based on the information reasonably available to Ford as of the date of this disclosure, and represent Ford's good faith effort to identify information, including Electronically Stored Information ("ESI") pertaining to the allegations of Plaintiffs' Complaint, as required under Rules 26(a)(1).

Ford further states that it has not yet completed its investigation of the facts related to this litigation. Consequently, this disclosure is based only on such information and documentation of which Ford is presently aware. It is anticipated that further investigation, research and analysis will supply additional facts and documents, add meaning to known facts, all of which may in turn lead to substantial additions or changes to this disclosure.

Ford reserves the right to supplement this disclosure upon the discovery of additional information or, to the extent Plaintiffs seek asserts, clarifies, modifies or otherwise develops additional defect theories in this lawsuit.

(A) **The Name, and if Known, the Address and Telephone Number of Each Individual Likely to Have Discoverable Information Relevant to Disputed Facts Alleged With Particularity in the Pleadings, Identifying the Subjects of the Information.**

Ford's investigation, including discovery, in this action, is incomplete and is continuing. At this time, however, Ford believes that the following individuals may have knowledge of facts relating to issues in dispute:

1. Meredith Chadwick Ray
2. Phillip Ray

(B) **A Description by Category and Location of All Documents, Electronically Stored Information, and Tangible Things in the Possession, Custody, or Control of Ford and that Ford May Use to Support its Claims or Defenses, Unless Solely for Impeachment.**

Ford may support its claims and defenses using hard copy documents and ESI, including but not limited to email and electronic documents such as those created with Microsoft Office and with engineering or manufacturing applications.

Hard-copy documents may be located in various locations throughout the company. ESI may be located in employee laptop and desktop hard drives, various file and print servers, email servers, portable media such as CDs and DVDs, mainframe computers, electronic document repositories and application databases.

Although Ford does not dispute that it designed in part the 2002 Mercury Mountaineer, and that it distributed the 2002 Mercury Mountaineer described in the complaint, Ford does take issue with certain conclusory averments made by Plaintiffs. Ford has denied those averments. Ford identifies the following categories of documents which may be responsive to the allegations of this complaint:

- (1) **Factory Invoice.** The factory invoice for the subject 2002 Mercury Mountaineer, VIN #4M2ZU66W02UJ37911.
- (2) **Owner's Guide.** The 2002 Mercury Mountaineer Owner's Guide that Ford provided with the subject 2002 Mercury Mountaineer at the time of Ford's final assembly of that vehicle
- (3) **Warranty Booklet.** The 2002 Warranty Facts booklet that Ford provided with the 2002 Mercury Mountaineer at the time of Ford's final assembly of that vehicle.
- (4) **Showroom Brochure.** A showroom brochure for 2002 Mercury Mountaineers that Ford prepared for use in the showrooms of authorized Lincoln/Mercury dealerships.
- (5) **Service Messages & Bulletins.** An Index of Internal Service Messages (ISMs), Special Service Messages (SSMs), and Technical Service Bulletins (TSBs) regarding the brake shift interlock applicable to the subject 2002 Mercury Mountaineer.
- (6) **Recall & Owner Notifications.** An Index of Recalls and/or Owner Notification Programs regarding the brake shift interlock applicable to the subject 2002 Mercury Mountaineer.
- (7) **Assembly Drawings and Specifications.** 2002 Mercury Mountaineer Assembly Drawings containing specifications for the brake shift interlock.
- (8) **Advertising.** Representative advertising for the 2002 Mercury Mountaineer that Ford has been able to locate through a reasonable and duly diligent search.
- (9) **Reports of Other Claims and/or Complaints.** Including the following:

A list of complaints and non-litigated claims received by Ford's Office of the General Counsel which contain allegations that personal injuries were sustained due to an alleged defect of the brake shift interlock in a 2002 through present Mercury Mountaineer.
- (10) **Databases.** Ford discloses that it may support its claims and defenses using ESI located or contained in reports generated from the following databases:
  - a. **WERS** - The Worldwide Engineering Release System ("WERS") is an information system that manages and communicates parts information to organizations and downstream systems.
  - b. **AWS** - The Analytical Warranty System ("AWS") contains warranty claims and selected vehicle information to support common global warranty reporting, analysis, and feedback processes for the model years 1991 and forward.
  - c. **CQIS** - The Global Common Quality Indicator System ("CQIS") is a database providing access to selected vehicle concern information originating from dealerships and internal Ford sources.

- d. **MORS** - The Master Owner Relations System("MORS") database contains summaries of customer contact information.
- e. **CCRG** - The Critical Concerns Review Group ("CCRG") Report database contains copies of Critical Concern Review Group reports of potentially critical vehicle concerns.
- f. **OASIS** - Global Online Automotive Service Information System ("GOASIS") is a system that provides dealers with selected vehicle and technical service information for a specific VIN, including Technical Service Bulletins ("TSB") and Special Service Messages ("SSM").

(C) **A computation of any category of damages claimed by the disclosing party.**

Not applicable.

(D) **Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Through this written disclosure, Ford requests that Plaintiffs accept Ford's statement that Ford has sufficient resources to cover any judgment which could reasonably be expected to be rendered in this case, if any. If Plaintiffs inform Ford that they refuse to accept this certification as satisfying the requirements of Rule 26(a)(1)(D), Ford will promptly bring a motion for relief under Rules 26(a)(1) and 26(c), to refine and clarify Ford's obligations under Rule 26(a)(1)(D).

/s/ Bradley J. McGiboney  
D. Alan Thomas ([dat@hfsllp.com](mailto:dat@hfsllp.com))  
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ATTORNEYS FOR DEFENDANT,  
FORD MOTOR COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date electronically filed the foregoing document with the Clerk of Court using the CM/ECF system to the following CM/ECF participants:

D. Michael Andrews, Esq.  
BEASLEY, ALLEN, CROW, METHVIN,  
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This 7<sup>th</sup> day of May, 2007.

/s/ Bradley J. McGiboney  
Of Counsel